



Early Journal Content on JSTOR, Free to Anyone in the World

This article is one of nearly 500,000 scholarly works digitized and made freely available to everyone in the world by JSTOR.

Known as the Early Journal Content, this set of works include research articles, news, letters, and other writings published in more than 200 of the oldest leading academic journals. The works date from the mid-seventeenth to the early twentieth centuries.

We encourage people to read and share the Early Journal Content openly and to tell others that this resource exists. People may post this content online or redistribute in any way for non-commercial purposes.

Read more about Early Journal Content at <http://about.jstor.org/participate-jstor/individuals/early-journal-content>.

JSTOR is a digital library of academic journals, books, and primary source objects. JSTOR helps people discover, use, and build upon a wide range of content through a powerful research and teaching platform, and preserves this content for future generations. JSTOR is part of ITHAKA, a not-for-profit organization that also includes Ithaka S+R and Portico. For more information about JSTOR, please contact support@jstor.org.

the benefits are not limited to such descendants, preference only being given to them, the trusts are everywhere charitable. *Matter of MacDowell* (1916) 217 N. Y. 454, 112 N. E. 177; *Dexter v. Harvard College* (1900) 176 Mass. 192, 57 N. E. 371; *Perin v. Carey* (1860) 24 How. 465. In the instant case, however, the beneficiaries are so limited. The objection to allowing the corporation exemption is that the class to be benefited is not sufficiently large or indefinite to justify permitting the testator to evade the tax laws and still care for the natural objects of his private bounty. Exemption is warranted only where the devise is of public advantage. But the lineal descendants of William Beekman do not lose their character as members of the public merely because of their ancestry. Hence, the actual size of the Beekman family seems a very material element in the instant case. In disregarding this element and consequently over-emphasizing the fact that the corporation was organized solely to benefit the decedent's kin, the court seems to have erred.

TORTS—INDUCING BREACH OF CONTRACT.—A summons alleged that L had employed the plaintiff to institute proceedings to have L's husband declared a prodigal, that the proceedings were duly instituted, and that the defendant, with knowledge of the facts, induced L by false representations to break the contract and withdraw the proceeding. *Held*, allegations sufficient. *Solomon v. Du Preez* (1920) 37 So. African L. J. 466.

One who intentionally induces another to break a contract with a third party is liable in tort. *Lumley v. Gye* (1853) 2 El. & Bl. 216; *Bowen v. Speer* (Tex. 1914) 166 S. W. 1183. However, a defendant may justify his conduct by showing that he acted in furtherance of a social duty, *e. g.*, protecting school children from exposure to disease. *Legris v. Marcotte* (1906) 129 Ill. App. 67. Analogically, it seems that the defendant in the instant case might justify his conduct on the ground that it is the policy of the law to prevent the disruption of the marital status. As one illustration, husband and wife, at common law, were incompetent to testify against each other. See *Schreffler v. Chase* (1910) 245 Ill. 395, 399, 92 N. E. 272. Also, there is a pronounced tendency to discourage collusive divorces. See N. Y. Code Civ. Proc. § 1758 (1). The question which then arises is whether the defendant's fraudulent conduct should render him liable. Some courts recognize the doctrine of *Lumley v. Gye* only when the defendant is guilty of fraud or coercion. *Swain v. Johnson* (1909) 151 N. C. 93, 65 S. E. 619; *Ashley v. Dixon* (1872) 48 N. Y. 430; but *cf. Posner v. Jackson* (1918) 223 N. Y. 325, 119 N. E. 573. It is believed that these cases have no application since the instant case involves an additional competing social policy. It has recently been held that when one is legally privileged to accomplish a certain result the fact that he does so by means of fraudulent representations does not render him liable to the party affected. *Wolf v. Wolf* (1921) 194 App. Div. 33, 185 N. Y. Supp. 37; see (1921) 21 COLUMBIA LAW REV. 384. So it seems that, if the defendant could justify his conduct as indicated, the fact that he was guilty of fraud should be immaterial.

TRADE-MARKS—DESCRIPTIVE WORD AS MAGAZINE TITLE—UNFAIR COMPETITION.—The publishers of "Photoplay Magazine" sought to enjoin the defendants from publishing a periodical under the name of "Photo-Play Journal." *Held*, while the word "Photoplay," being primarily descriptive, could not be the subject of a registered trade-mark, it had acquired a secondary meaning, such as to entitle the plaintiff to protection on the ground of unfair competition. *Photoplay Pub. Co. v. La Verne Pub. Co.* (C. C. A. 3rd Cir. 1921) 269 Fed. 730.

Since the function of a trade-mark is to identify the origin or ownership of an article, a word which, in its primary meaning, could be truthfully used by others for the same purpose may not be exclusively appropriated. *Elgin Natl.*